

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRENTT SHERWOOD,)
)
Plaintiff,) 2:11cv40
) Electronic Mail
v.)
)
JEFFREY A. BEARD, Secretary of the) Judge Cercone
D.O.C., LOUIS S. FOLINO Superintendent,) Magistrate Judge Kelly
CAPTAIN PAUL WALKER, UNIT)
MANAGER PETER VIDONISH,)
LIEUTENANT SHRADER,)
LIEUTENANT BUPKA, LIEUTENANT)
ROBERT KENNEDY, DAN DAVIS,)
Grievance Coordinator, CORRECTIONAL)
OFFICER WENDELL, JANE and JOHN)
DOE, Names Unknown at this Time in their)
Official and Individual Capacity, CRAIG)
HAYWOOD, Captain of the Department of)
Security at SCI-Greene; R. SMITH,)
Corrections Officer,)
)
Defendants.)

MEMORANDUM ORDER

AND NOW, this 22 nd day of August, 2012, after the Plaintiff, Brentt Sherwood, filed an action in the above-captioned case, and after a Motion to Dismiss the Amended Complaint was filed by Defendants, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until August 13, 2012, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Motion to Dismiss the Amended Complaint filed on behalf of the Defendants (ECF No. 52) is granted with respect to Counts II, III, V and denied with respect to Counts I, IV and VI.

IT IS FURTHER ORDERED that this case is stayed pending resolution of Plaintiff's post-conviction collateral petition.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.



David Stewart Cercone
United States District Judge

cc: Brentt Sherwood
GD-7549
SCI Greene
175 Progress Drive
Waynesburg, PA 15370

(Via First Class Mail)

Honorable Maureen P. Kelly
Robert A. Willig, Esquire

(Via CM/ECF Electronic Mail)